IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1261 OF 2006

.....

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

.....

Shri K.K. Tated, A.G.P. for the Appellant.
Shri P.B. Shah for the Respondent No.1.

CORAM : A. S. OKA, J.
DATE : JUNE 15, 2006.

P.C.:

1. Heard the learned A.G.P. appearing for the Appellant.

2. The Appellant-State of Maharashtra has taken exception to judgment and award made under section 18 of the Land Acquisition Act, 1894. By the impugned judgment and award, a reference made at the instance of the Respondents was allowed and enhancement in compensation was granted in favour of the Respondents.

3. Office noting shows that the Appeal stands abated as against the Respondent Nos.1 and 4 who are the original claimants.

4. Out of the four claimants, the

Appeal stands abated as against two. Thus, as against the Respondents against whom Appeal stands abated, impugned judgment and award stands confirmed. The impugned judgment and award is in favour of all the Respondents-Claimants. As the award has attained finality in so far as two out of four claimants are concerned, even if there is a case on merits in favour of the Appellant, the impugned judgment and award cannot be interfered with.

5. In view of this position, Appeal is liable to be dismissed. Appeal is accordingly dismissed with no orders as to costs.

JUDGE